

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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FRANCISCO SANTOS,

Plaintiff,

9:19-cv-1610 (BKS/TWD)

v.

B. SCHROEDER, et al.,

Defendants.

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**Appearances:**

*Plaintiff pro se:*

Francisco Santos  
13-A-0532  
Wende Correctional Facility  
P.O. Box 1187  
Alden, NY 14004

*For Defendants:*

Letitia James  
Attorney General of the State of New York  
Nicholas W. Dorando  
Assistant Attorney General, of Counsel  
The Capitol  
Albany, NY 12224

**Hon. Brenda K. Sannes, Chief United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Plaintiff Francisco Santos commenced this civil rights action asserting claims under 42 U.S.C. § 1983 arising out of his incarceration. (Dkt. Nos. 1, 51). On February 21, 2023, Defendants filed a motion for summary judgment under Federal Rule of Civil Procedure 56 seeking dismissal of Plaintiff's claims. (Dkt. No. 99). On August 9, 2023, Plaintiff filed a response, (Dkt. No. 109), and a reply was filed on August 16, 2023, (Dkt. No. 111). This matter was referred to United States Magistrate Judge Thérèse Wiley Dancks who, on August 22, 2023,

issued a Report-Recommendation recommending that Defendants' motion for summary judgment be granted. (Dkt. No. 112). Magistrate Judge Dancks advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the Report-Recommendation and that failure to do so within fourteen days would preclude appellate review. (*Id.*, at 20).

On August 30, 2023, Plaintiff requested an extension of the deadline to file objections, and the Court granted his request in part, extending the deadline until September 18, 2023. (Dkt. Nos. 113–14). Plaintiff did not file objections to the Report-Recommendation. As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Report-Recommendation is adopted in its entirety.

For these reasons, it is

**ORDERED** that the Report-Recommendation, (Dkt. No. 112), is **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendants' motion for summary judgment (Dkt. No. 99) is **GRANTED**; and it is further

**ORDERED** that the Amended Complaint (Dkt. No. 51) is **DISMISSED**; and it is further

**ORDERED** that the Clerk of the Court is directed to close this case; and it is further  
**ORDERED** that the Clerk serve a copy of this Order upon the parties in accordance with  
the Local Rules.

**IT IS SO ORDERED.**

Dated: September 27, 2023  
Syracuse, New York

  
Brenda K. Sannes  
Chief U.S. District Judge